

REMARKS

In the Office Action dated September 11, 2003, claims 1-18 and 31-60 were pending.

Claims 1-18 and 31-60 stand.

In this response, no claim has been canceled. Claim 10 has been amended to particularly point out and distinctly claim, in full, clear, concise, and exact terms, the subject matter which Applicant regards as his invention. No new matter has been added. Reconsideration of this application as amended is respectfully requested.

Claims 10-18 are rejected under 35 U.S.C. 112, second paragraph. In view of the foregoing amendment, it is respectfully submitted that the rejection has been overcome.

Claims 1-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,466,998 of Bennett (“Bennett”) in view of U.S. Patent No. 6,401,153 of Pawlowski (“Pawlowski”). Claims 31-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,212,590 of Melo et al. (“Melo”) in view of Pawlowski.

Bennett and Pawlowski were issued after the filing date of the present application and have been assigned to a common assignee of the present application. Applicant submits that the subject matter and the claimed invention were, at the time the invention as made, owned by the same person or subject to an obligation of assignment to the same person.

Applicant respectfully submits that 35 U.S.C. §103(c) prohibits the use of these U.S. Patents under 35 U.S.C. §103(a) because these U.S. Patents and the subject application are owned by the same person. Thus, this rejection is improper and withdrawal of the rejection is respectfully submitted.

In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite

or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

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